



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

October 18, 2002

DAVID ELTON
5210 E 5TH AVE
SPOKANE WA 99212

Subject: PDC Case No. 03-049

ENFORCEMENT HEARING NOTICE

Hearing Date: Tuesday, October 29, 2002
Time: 10:45 a.m. *(All times are approximate)*
Place: Evergreen Plaza Building
Room 206, 711 Capitol Way,
Olympia, WA 98504-0908
Presiding Officer: The Public Disclosure Commission, Susan Brady, Vice Chair
Authority for Hearing: RCW 42.17.370 and 42.17.395

A brief enforcement hearing was held October 10, 2002 to consider your apparent failure to timely file the Personal Financial Affairs Statement, PDC Form F-1, within two weeks of the date you became a candidate, a violation of RCW 42.17.240. Susan Brady, Vice Chair of the Commission, was the Presiding Officer at the brief enforcement hearing. The Presiding Officer found a violation of RCW 42.17.240 and assessed a civil penalty of \$150. \$50 of the penalty was suspended on the condition that the \$100 non suspended portion of the penalty is paid, and the F-1 report is filed, both by October 17, 2002. At the hearing, the Presiding Officer stated that if the terms of the suspension are not met, the order will be rescinded and the matter will be heard by the full Commission on October 29, 2002.

As of October 17, 2002, the Public Disclosure Commission had not received your F-1 report or your payment of the \$100 non suspended portion of the penalty. Therefore, the order in Case No. 03-049 will be rescinded and the case will be heard by the full Commission on October 29, 2002 as noted above. If your F-1 report and \$100 penalty payment are received with a postmark of October 17, 2002 or earlier, the enforcement hearing before the Commission scheduled for October 29, 2002 will be canceled and the brief enforcement hearing order will remain as it was entered.

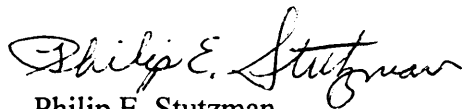


Enclosed is information concerning your case that will be shared with the Commission members. If you plan to be present at the hearing or be represented by legal counsel, please notify us in advance of the hearing date. If you do not plan to be present at the hearing, you may submit evidence in your own behalf or in mitigation. You may do so by writing to the Chair, Public Disclosure Commission, PO Box 40908, Olympia, WA 98504-0908.

You are not required by law to attend the hearing. However, the Public Disclosure Commission recommends that respondents personally appear at hearings whenever possible. If you fail to attend or provide information in your own behalf, you may be in default and the Commission may assess appropriate penalties. If you are unable to attend and would like to participate by telephone, please contact me as noted below to make the necessary arrangements. Please note, if you arrange to participate by telephone, and we are unable to make contact with you during the hearing, the hearing will proceed without your participation.

The Commission has the authority to assess a penalty of up to \$1,000 for a single violation, up to \$2,500 for multiple violations, or refer the entire matter to the Attorney General's office for higher penalties. I will be representing the staff of the Commission. You may contact me at (360) 664-8853 or toll free at 1-877-601-2828 or by e-mail at pstutzman@pdc.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Philip E. Stutzman".

Philip E. Stutzman
Director of Compliance



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October 11, 2002

DAVID ELTON
5210 E 5TH AVE
SPOKANE WA 99212

Subject: PDC Case #03-049

Dear Mr. Elton:

Enclosed is the Public Disclosure Commission's Order that was entered in the above-referenced case. You were assessed a penalty of \$150. \$50 is suspended on the condition that the \$100 non suspended portion of the penalty is paid, and the Personal Financial Affairs Statement, PDC Form F-1, is filed, both by October 17, 2002. The Presiding Officer stated that if the terms of the suspension are not met, the order will be rescinded and the matter will be heard by the full Commission on October 29, 2002.

If you have questions, you may contact me at (360) 664-8853 or toll-free at 1-877-601-2828.

Sincerely,

Philip E. Stutzman
Director of Compliance

Enclosure





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BEFORE THE PUBLIC DISCLOSURE COMMISSION

DAVID ELTON
5210 E 5TH AVE
SPOKANE WA 99212

In Re the Matter of)	PDC Case No. 03-049
David Elton)	Findings of Fact,
)	Conclusions of Law and
)	Order Imposing Fine
Respondent.)	
)	

A brief enforcement hearing was held October 10, 2002 in Room 206, Evergreen Plaza Building, Olympia, Washington to consider the Respondent's apparent failure to timely file the Personal Financial Affairs Statement, PDC Form F-1, a violation of RCW 42.17.240. PDC Form F-1 is due within two weeks of becoming a candidate.

The hearing was held in accordance with chapters 34.05 and 42.17 RCW and chapter 390-37 WAC. Commission Vice Chair Susan Brady was designated as the Presiding Officer and was present by telephone. The Commission staff was represented by Phil Stutzman, Director of Compliance. The Respondent participated by telephone and addressed the Presiding Officer.

Brief enforcement hearing notice was sent to the Respondent on September 18, 2002. The brief enforcement hearing was originally scheduled for October 2, 2002. Mike Connelly, Chair of the Commission, declined to hear the matter and designated Susan Brady, Vice Chair of the Commission, to be the Presiding Officer. The hearing was re-scheduled for October 10, 2002. Having considered the evidence, the Presiding Officer finds as follows:

FINDINGS OF FACT

1. The Respondent was a candidate for City Council in the City of Spokane Valley and appeared on the September 17, 2002 primary election ballot.
2. The Respondent was required to file a Personal Financial Affairs Statement, PDC Form F-1, within two weeks of becoming a candidate, or no later than June 25, 2002, which was two weeks after he filed a Candidate Registration, PDC Form C-1, with the Spokane County Elections Department.



3. The Respondent stated that he did not file the F-1 report because he did not want to disclose information about some of his business clients.
4. The Respondent lost in the primary election.
5. The F-1 report was not filed.

CONCLUSIONS OF LAW

Based on the above facts, as a matter of law, the Presiding Officer concluded as follows:

1. This matter was duly and properly convened and all jurisdictional, substantive and procedural requirements have been satisfied.
2. The Respondent violated RCW 42.17.240 by failing to file a Personal Financial Affairs Statement within two weeks of becoming a candidate.

ORDER

ON the basis of the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the Respondent is assessed a civil penalty of \$150. \$50 is suspended on the condition that the \$100 non suspended portion of the penalty is paid, and the F-1 report is filed, both by October 17, 2002.

This is an initial order of the Public Disclosure Commission. The Respondent may request a review of this Order by the entire Commission. The request may be made orally or in writing, and must be received at the Public Disclosure Commission's office within 21 days after service of this Order. If the Respondent requests a review no penalty need be paid until after the Commission rules on the request.

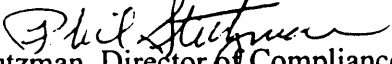
IF NO REQUEST FOR REVIEW IS RECEIVED WITHIN 21 DAYS, THIS ORDER WILL AUTOMATICALLY BECOME A FINAL ORDER OF THE COMMISSION, THE RESPONDENT WILL BE OBLIGATED TO PAY THE NON SUSPENDED PORTION OF THE PENALTY, AND THE ORDER WILL REMAIN A FINAL ORDER UNLESS AN APPEAL IS MADE PURSUANT TO RCW 42.17.395. SHOULD THE TERMS OF THE SUSPENSION NOT BE FOLLOWED, THE RESPONDENT IS LEGALLY OBLIGATED TO PAY THE ENTIRE PENALTY PURSUANT TO RCW 42.17.395.

Entered this 11th day of October, 2002.

Public Disclosure Commission


Vicki Rippie
Executive Director

Memo

TO: File 
FROM: Phil Stutzman, Director of Compliance
DATE: October 10, 2002
SUBJECT: Conversation with David Elton

On October 2, 2002, brief enforcement hearings were scheduled for four respondents who were candidates for City Council in the City of Spokane Valley and who had not filed their F-1 and/or C-1 reports within two weeks of becoming a candidate. All four candidates lost in the primary election on September 17, 2002. Brief enforcement hearings were held for three of the respondents. The fourth, David Elton, stated that he had a conflict with Mike Connelly being the Presiding Officer. The Presiding Officer designated Susan Brady, Vice Chair of the Commission, to be the Presiding Officer and instructed staff to work out an appropriate time for the hearing to be held.

After the hearings were held on October 2, 2002, I called David Elton to re-schedule his hearing. During the conversation, Mr. Elton asked me if our conversation was confidential. I stated that it was not and that if he told me he was breaking the law, I would have to share that with my supervisor.

Later in the conversation, Mr. Elton told me that he would rather pay the fine than file the F-1. He said that he wants to keep his record clean and would be willing to file the F-1 after the election. He stated that he has been in a battle with the Spokesman Review for some time, and that the newspaper would use the information on his F-1 to damage the chances of other candidates in the 2002 elections. He explained that he has a political consulting business, and that if his clients are listed on the F-1, the Spokesman Review would use this information against his clients.

I suggested that he file the F-1 form, and told him about how to request a reporting modification. The next day, I called Mr. Elton back and informed him that clients of his political consulting business who are candidates in Washington State under the full reporting option would have to report their expenditures, and stated that the Commission would be unlikely to grant a modification for information that was already public information.

I scheduled the brief enforcement hearing for October 10, 2002 and suggested to Mr. Elton that he file the complete F-1 with all required information before the brief enforcement hearing.

FACSIMILE TRANSMISSION

RECEIVED

SEP 17 2002

Public Disclosure Commission

SPOKANE COUNTY ELECTION DEPT.

1116 W. BROADWAY AVE.

SPOKANE, WASHINGTON 99260

FAX # (509) 477-6607

PHONE # (509) 477-2320

DATE 9/17/2002

TO Public Disclosure Commission of WA

DEPARTMENT _____

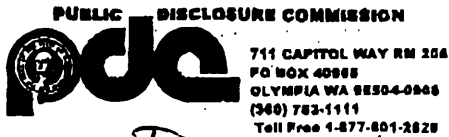
ATTENTION Jim Kelly

FAX TELEPHONE 360 753-1112

FROM _____

COMMENTS _____

PAGE _____ of _____



Candidate Registration

RECEIVED

SEP 17 2002

C1
(601)

ELECTION DEPT

JUN 11 2002

DAVID HOWARD ELTON

Candidate's Name (Give candidate's full name.)

COMMITTEE TO ELECT DAVID ELTON

Candidate's Committee Name (Do not abbreviate.)

5210 E 5th AVE

Mailing Address

SPOKANE

WA

99212

City

County

Zip + 4

SPOKANE VALLEY CITY COUNCIL, SPOK CTV

3

E-Mail Address

1. What office are you running for?

Legislative District, County or City

Position No.

Do you now hold this office?

Yes ☐No ☒

2. Political party (if partisan office)

3. Date of general or special election

SEPT 17 (Prim) NOV 5 (Gen)

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on what estimate, choose one of the reporting options below. If no box is checked you are obligated to use Option II, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

☐ Option I MINI REPORTING: In addition to my filing fee of \$_____, I will raise and spend no more than \$3,500, including any charges for inclusion in state and local voters pamphlets. I will not accept more than \$300 in the aggregate from any contributor except myself.

☒ Option II FULL REPORTING: I will use the Full Reporting system. I will file the frequent, detailed campaign reports required by law.

BELINDA NELSON 5210 E 5th, SPOK 99212

5. Treasurer's Name and Address. Candidate may be treasurer. List deputy treasurers on attached sheet. ☐ Continued on attached sheet

Daytime Telephone Number

TBA (TENTATIVE) CPA (WAYNE G.)

(509) 710-2152

6. Committee Officers. List name, title and address. Continue on attached sheet if necessary. See reverse for definition of "officer."

☐ Continued on attached sheet

CAMPAIGN CHAIRMAN (Bill H?)

CAMPAIGN ISSUE DIRECTOR (Jenny M.)

FUNDRAISING DIRECTOR (LINDA T.)

JOHN A. (POLAKH)

BOB M. (CITIGROUP)

7. Campaign Bank or Depository

Branch

City

BANK OF AMERICA

COURTHOUSE

SPOKANE

8. Related or Affiliated Political Committees. List name, address and relationship.

CTR CITIZENS TASKFORCE ON RESEARCH

☐ Continued on attached sheet

9. Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election: (a) on the eighth day for two consecutive hours between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays, by appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City 5210 E 5th AVE, SPOK. WA

Hours (Two consecutive hours; see 9(a))

In order to make an appointment, contact the campaign at (telephone, fax, e-mail): (509) 533-6403

10. CERTIFICATION:

I certify that this report is true, complete and correct to the best of my knowledge.

Candidate's Signature

David H. Elton

Date

June 10, 2002

Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes that apply.

- ☐ I already have financial affairs and campaign disclosure forms and instructions.
- ☐ I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.
- ☒ I will obtain all forms and instructions from my county elections office.
- ☒ I want PDC to mail me: ☒ the F-1 instruction booklet (which includes forms) ☒ the appropriate campaign disclosure forms and instructions.

Distribution of This Report:

ORIGINAL - Public Disclosure Commission

COPY - County Elections Office (Auditor)

COPY - Your own records

(Note: City candidates contact City Clerk to see if local filing is required.)

SEE INSTRUCTIONS ON REVERSE



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September 18, 2002

F-1 Hearing Notice

DAVID ELTON
5210 EAST 5TH AVE
SPOKANE WA 99212

PDC Case No. 03-049 Office Sought: CITY COUNCIL
Jurisdiction: CITY OF SPOKANE VALLEY

Our records indicate that you were a candidate in the 2002 primary election. RCW 42.17.240 requires the filing of a Personal Financial Affairs Statement (PDC form F-1) for candidates in towns or districts that have 1,000 or more registered voters as of the last general election. The F-1 report was due within two weeks of becoming a candidate. We have not yet received the F-1 report from you.

Pursuant to WAC 390-17-142 and RCW 34.05.482 et seq., a brief enforcement hearing will be conducted to determine if you have violated the public disclosure law. Mike Connelly of the Public Disclosure Commission is the Presiding Officer in this matter. The hearing will be as follows:

Date and time: Wednesday, October 2, 2002 at 2:00 p.m. (*all times approximate*)
Place: Evergreen Plaza Building, Room 206
711 Capitol Way, Olympia, WA 98504-0908

YOU CAN AVOID THE HEARING by signing the enclosed statement of understanding and returning it along with **\$100 for the missing report**. Your check or money order must be made payable to the **"Washington State Treasurer."** You must also file the missing report. To avoid the hearing, your signed statement of understanding, missing report, and check or money order for \$100 must be received in our office by **5:00 p.m., Friday, September 27, 2002.**

If there are circumstances you wish to have considered at the time of the hearing, you may submit a written response or attend the hearing. I will be representing the staff of the Commission. Under the brief enforcement hearing rules, the Commission has the authority to assess penalties of up to \$500 for violations. If you plan to attend, please notify us in advance of the hearing date. If you are unable to attend the hearing and would like to participate by telephone conference call, or if you have questions regarding your missing report or the hearing, please call Jim Kelly at (360) 586-4560, toll free at 1-877-601-2828, or by e-mail at jkelly@pdc.wa.gov. A written order by the Presiding Officer will be entered after the hearing.

Sincerely,


Philip E. Stutzman

Director of Compliance

Enclosure: Statement of Understanding and F-1





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August 29, 2002

TO: DAVID ELTON
5210 E 5TH AVE
SPOKANE WA 99212

FROM: Public Disclosure Commission (PDC)

SUBJECT: Missing Personal Financial Affairs Statement (PDC form F-1)
Missing Candidate Registration Statement (PDC form C-1)

Our records indicate that you are a candidate in the 2002 election and that the PDC has not yet received a Personal Financial Affairs Statement (PDC form F-1) or a Candidate Registration Statement (PDC form C-1) from you. The public disclosure law requires candidates to file the F-1 and C-1 forms within two weeks of becoming a candidate.

Enclosed are blank F-1 and C-1 forms for your use. If applicable, also complete the F-1 Supplement Page. **Please complete the F-1 and C-1 forms and mail both to the PDC before September 9, 2002 to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties.**¹

Templates of the F-1 and C-1 forms are also available on the PDC Web site at www.pdc.wa.gov. Click on "Filer Assistance" and then on "Form Templates." Instruction booklets for the F-1 and C-1 are available on our web site under "Filer Assistance" and "Manuals" and are also available from your County Auditor and the PDC.

If you have already filed the F-1 and/or C-1 forms, please contact our office immediately. Thank you for your cooperation. If you need assistance, please contact Jim Kelly at (360) 586-4560, toll-free at 1-877-601-2828 or by e-mail at jkelly@pdc.wa.gov.

Sincerely,


Philip E. Stutzman
Director of Compliance

Enclosures
F-1 form
F-1 Supplement
C-1 form

¹ Please note that faxed reports are not acceptable because they only show a copy of your signature and the report needs to display your actual original signature.

